

ORDINANCE NO. _____

BILL NO. _____ (2019)

A BILL FOR AN ORDINANCE TO CHANGE ZONING FROM
WAILUKU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION)
AND AGRICULTURAL DISTRICT TO
WAIKAPU COUNTRY TOWN (WCT) DISTRICT (CONDITIONAL ZONING)
FOR PROPERTY SITUATED AT
-WAILUKU, MAUI, HAWAII

BE IT ORDAINED BY THE PEOPLE OF THE COUNTY OF MAUI:

SECTION 1. Pursuant to Chapters 19.9638 and 19.510, Maui County Code, zoning designations are hereby amended (Conditional Zoning) for certain parcels of land situated at Wailuku, Maui, Hawaii, identified in Table 1, comprising approximately 495.905 acres, and more particularly described in Exhibit "A", which is attached hereto and made a part hereof, and in Land Zoning Map Nos. L-2705, L-2706, L-2707, L-2708, and L-2709, which are attached hereto as Exhibit "B" and on file in the Office of the County Clerk of the County of Maui, and by reference made a part hereof.

Table 1

CHANGE IN ZONING			
TMK	FROM	TO	ACRES
(2) 3-6-004:POR. of 003,	AG	Waikapu	87.832
(2) 3-6-004:POR. of 003,	AG	Country Town	48.807
(2) 3-6-004:006,	AG	(WCT)	53.630
(2) 3-6-006:036,	AG		0.721
(2) 3-6-004:POR. of 003,	AG		2.089
(2) 3-6-005:007,	PD-WK/5		59.054
(2) 3-6-002:POR. of 003	AG		243.772
Total			495.905

RECEIVED AT PSLU MEETING ON 3/13/19
(Committee Chair)

SECTION 2. Pursuant to Section 19.510.050, Maui County Code, the zoning granted by this ordinance is subject to the conditions set forth in Exhibit "CB₁", attached hereto and made a part hereof, and the Unilateral Agreement and Declaration for Conditional Zoning, attached hereto and made a part hereof as Exhibit "DE₁".

SECTION 3. This ordinance shall take effect upon its approval.

APPROVED AS TO FORM
AND LEGALITY:

MICHAEL J. HOPPER
Deputy Corporation Counsel
[LF-2018-1445](#)
[Fp](#)
[slu:misc:030abil10232019-02-12-Ordinance-Change-in-Zoning](#)

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also a portion of Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeast corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE," being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 4° 29' 30" 1,826.72 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);
2. Hence along same on a curve to the left with a radius of 17,223.80 feet, the radial azimuth from the radius point to the end of the curve being: 92° 29' 05.5"
the chord azimuth and distance being:
3° 29' 17.75" 603.24 feet;
3. 104° 00' 470.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
4. 148° 00' 190.00 feet along same;
5. 76° 00' 290.67 feet along same;
5. 106° 27' 59.40 feet along same;
6. 178° 00' 380.00 feet along same;
7. 206° 00' 475.00 feet along same;
8. 171° 00' 100.00 feet along same;
9. 102° 00' 760.00 feet along same;

10. 72° 00' 60.00 feet along same;
11. 102° 00' 339.87 feet along same;
12. 195° 00' 287.57 feet along same;
13. Thence along same on a curve to the left with a radius of 1,500.00 feet, the chord azimuth and distance being:
174° 00' 1,075.10 feet;
14. 153° 00' 107.13 feet along same;
15. 243° 00' 567.00 feet along same;
16. Thence along 1 of 2 of the Hawaii Tropical Plantation Subdivision, being also remainder of Grant 3152 to Henry Cornwell on a curve to the left with a radius of 400.00 feet, the chord azimuth and distance being:
309° 52' 30" 314.19 feet;
17. 286° 45' 1,430.00 feet along same to the point of beginning and containing an area of 87.832 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

WFO

DESCRIPTION

WAIKAPU HEMA LARGE LOT SUBDIVISION
PORTION OF LOT 6

Being a portion of Lot 6 of Waikapu Hema Large Lot Subdivision, being also all of Royal Patent 4948, Land Commission Award 2577, Apana 3 to Hakiki and being also portions of Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, Royal Patent 3138, Land Commission Award 2394, Apana 1 to Kacha, Grant 1844 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southeast corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "I.U.K.I." being:

11,159.99 feet South

4,938.21 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|----------|---|
| 1 | 101° 00' | 320.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3131, Land Commission Award 1048, Apana 2-3 to Napailoi, and Grant 1844 to J. Sylva; |
| 2 | 100° 00' | 215.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, , and Grant 1844 to J. Sylva;; |
| 3. | 120° 00' | 450.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844 to J. Sylva; |
| 4. | 45° 00' | 480.00 feet along same; |
| 5. | 148° 00' | 409.00 feet along same; |
| 6. | 159 00' | 400.00 feet along same; |
| 7. | 175° 00' | 220.00 feet along same; |
| 8. | 179° 00' | 750.00 feet along same; |
| 9 | 271° 00' | 1,235.00 feet along same; |

- | | | |
|-----|----------|--|
| 10 | 12' 00' | 367.00 feet along same; |
| 11. | 268' 00' | 257.80 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Grant 1844 to J. Sylva and Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha; |
| 12. | 9' 30' | 550.00 feet along the remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainders of Royal Patent 3138 Land Commission Award 2394, Apana 1 to Kacha and Grant 1844, Apana 1 to J. Sylva; |
| 13 | 275' 10' | 415.84 feet along remainder of Lot 6 of the Waikapu Hema Large Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 14 | 20' 33' | 322.87 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva; |
| 15. | 357' 07' | 420.08 feet along same to the point of beginning and containing an area of 48.807 Acres. |

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M Silva

 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/20

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 September 20, 2018

WPL

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION
Lot 2

Being all of Lot 2 of Hawaii Tropical Plantation Subdivision, being also all of a Polima, Royal Patent 3131, Land Commission Award 10,481, Apana 1, Mahele 1 to Napailoi, Royal Patent 3142, Land Commission Award 11,022, Apana 6 to Wuhhinealii, Royal Patent 3148, Land Commission Award 10,160, Apana 1 to Mahoe, Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai, Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini and being also portions of Royal Patent 498, Land Commission Award 236-I, Apana 1 to Charles Copp, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kancaac, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaii, Royal Patent 4115, Land Commission Award 3224, Apana 3 to Oponui, Grant 1844, Apana 1 to J. Sylva, Grant 1844, Apana 2 to J. Sylva, Grant 2069 to Kaai, Grant 2069 to Kaai, Grant 3043 to J. Boardman, and Grant 3152 to Henry Cornwell situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI" being:

12,973.62 feet South

3,232.36 feet West

and running by azimuths measured clockwise from True South:

1. 106° 45' 1,430.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
2. Thence along same on a curve to the right with a radius of 400.00 feet, the chord azimuth and distance being:
141° 56' 460.96 feet;
3. 177° 07' 1,460.00 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 3152 to Henry Cornwell, Grant 1844, Apana 2 to J. Sylva, and Grant 1844, Apana 1 to J. Sylva;
4. 200° 33' 596.14 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;

5. 291° 45' 30" 58.59 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
6. 305° 13' 264.12 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva and Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
7. 227° 10' 111.95 feet along Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
8. 226° 10' 47.92 feet along the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
9. 222° 30' 81.90 feet along same;
10. 133° 20' 40.00 feet along same;
11. 154° 32' 79.57 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Opunui;
12. 241° 51' 99.68 feet along Grant 2069, Apana 2 to Kaai;
13. 243° 45' 84.50 feet along Royal Patent 6223, Land Commission Award 3526, Apana 1 to Kekoahewale;
14. 235° 29' 68.00 feet along the Grant 1713 to John Ross;
15. 307° 20' 10.00 feet along the remainder of Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
16. 225° 00' 19.78 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui;
17. 225° 31' 08" 318.56 feet along Royal Patent 4115, Land Commission Award 3224, Apana 3 to Opunui and Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;
18. 223° 33' 58.58 feet along Royal Patent 4122, Land Commission Award 3397, Apana 1-2 to Puhi;

19. 321° 27' 53.55 feet along Lot 4 of Hawaii Tropical Plantation Plantation Subdivision, being also along Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai;
20. 287° 40' 152.19 feet along same;
21. 283° 30' 120.00 feet along same;
22. 32° 10' 88.31 feet along Lot 3 of the Hawaii Tropical Plantation Subdivision, being also along the remainder of Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;
23. 16° 50' 209.00 feet along same;
24. 25° 20' 195.00 feet along same;
25. Thence along same on a curve to the right with a radius of 230.00 feet, the chord azimuth and distance being:
55° 12' 30" 229.13 feet;
26. 85° 05' 125.00 feet along same;
27. Thence along Royal Patent 6374, Land Commission Award 9324, Apana 2 to Keakini, along the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae on a curve to the left with a radius of 151.00 feet, the chord azimuth and distance being:
49° 17' 30" 176.62 feet;
28. 13° 30' 243.00 feet along the remainder of Grant 2069 to Kaai;
29. 26° 15' 539.50 feet along same;
30. 295° 55' 142.26 feet along same;
31. 5° 10' 285.00 feet along remainder of Grant 2069 to Kaai and Grant 2960 to Boardman;
32. 75° 00' 91.00 feet along the remainder of Grant 2960 to Boardman;
33. 346° 40' 40.00 feet along same;

- 34. 354° 00' 302.03 feet along same;
- 35 286° 45' 1,319.23 feet along remainders of Grant 2960 to J. Boardman, Grant 3152 to Henry Cornwell, and Grant 3043 to J. Boardman;
- 36. 4" 29' 30" 651.86 feet along the Westerly side of Honoapiilani Highway (F.A.P. No. 13-G) to the point of beginning and containing an area of 53.630 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

Michael E. Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
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1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

wr:

DESCRIPTION

PORTION OF LOT 6
OF WAIKAPU HEMA LARGE-LOT SUBDIVISION AND
TAX MAP KEY (2) 3-6-006:036

Being a portion of Lot 6 of Waikapu Hema Large-Lot Subdivision, being also all of Land Commission Award 3337, Apana 4 to Naanaa and being also portions of Royal Patent 3124, Land Commission Award 2609, Apana 1 and 5 to Poepoe, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the North corner of this parcel, the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKE" being:

9,791.73 feet South

4,611.04 feet West

and running by azimuths measured clockwise from True South:

- | | | |
|----|--------------|---|
| 1. | 312° 57' | 197.60 feet along Royal Patent 3156, Land Commission Award 3527, Apana 3 to Kaalaea; |
| 2. | 25° 42' | 38.90 feet along Grant 1712, Apana 2 to Ihu; |
| 3. | 288° 27' | 35.60 feet along same; |
| 4. | 19° 27' | 41.60 feet along Royal Patent 3141, Land Commission Award 3523, Apana 3 to Kulahouka and Royal Patent 4115, Land Commission Award 3224, Apana 5 to Oponui; |
| 5. | 343° 54' | 177.06 feet along Royal Patent 4115, Land Commission Award 3224, Apana 5 to Oponui; |
| 6. | 346° 56' 30" | 28.40 feet along same; |
| 7. | 286° 30' | 21.10 feet along same; |
| 8. | 221° 50' | 75.90 feet along same; |
| 9. | 313° 20' | 40.00 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; |

10.	42' 30"	81.90 feet along same;
11.	46' 10"	47.921 feet along same;
12.	47' 10"	111.95 feet along same;
12.	125' 13"	264.12 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainders of Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai and Grant 1844, Apana 1 to J. Sylva;
13.	111° 45' 30"	58.59 feet along Lot 2 of the Hawaii Tropical Plantation Subdivision, being also the remainder Grant 1844, Apana 1 to J. Sylva;
14.	192' 26' 23"	143.95 feet along the remainder Lot 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainder of Grant 1844, Apana 1 to J. Sylva;
15.	186' 52' 53"	79.99 feet along same;
16.	210' 00"	196.90 feet along the remainder 1 of 6 of the Waikapu Hema Large-Lot Subdivision, being also the remainders of Grant 1844, Apana 1 to J. Sylva, Royal Patent 3150, Land Commission Award 5551, Apana 2 to Kekua, and Grant 1704 to Opunui to the point of beginning and containing an area of 2 810 Acres.

This work was prepared by me
or under my supervision.



FUKUMOTO ENGINEERING, INC.

M. Silva
 Michael E. Silva
 Licensed Professional Land Surveyor
 Certificate Number 12960
 License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
 Wailuku, Hawaii 96793
 March 5, 2018

DESCRIPTION

HAWAII TROPICAL PLANTATION SUBDIVISION
LOT 3

Being all of 1 of 3 of Hawaii Tropical Plantation Subdivision, being also all of Grant 1674 to F.W. Gleason; Grant 2342 to E. Bal; Royal Patent 324, Land Commission Award 455, Apana 2 to Haa; Royal Patent 4014, Land Commission Award 5774, Apana 4 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 3 to Kaneae; Land Commission Award 462, Apana 2 to Mahuka; Royal Patent 6374, Land Commission Award 5324, Apana 2 to Keakini; Royal Patent 3130, Land Commission Award 8874, Apana 2 to Kaneae; Royal Patent 3139, Land Commission Award 491, Apana 2 to Hoowahine; Grant 2747, Apana 2 to E. Bal; Royal Patent 3139, Land Commission Award 491, Apana 1 to Hoowahine; Land Commission Award 462, Apana 1 to Mahuka; Royal Patent 3156, Land Commission Award 3527, Apana 1 to Kamohai; Royal Patent 3139, Land Commission Award 491, Apana 3 to Hoowahine; Grant 1146 to Antonio Sylva; Royal Patent 41, Land Commission Award 416, Apana 1 to John Crowder; Royal Patent 41, Land Commission Award 416, Apana 2 to John Crowder; and being also portions of Grant 2904 to John Crowder; Grant 3152 to Henry Cornwell; Grant 3043 to J. Boardman; Grant 2960 to J. Boardman; Grant 2069 to Kaai; Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae; Royal Patent 4014, Land Commission Award 5774, Apana 2 to Kaai; Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp situated in Waikapu, Wailuku, Island and County of Maui, State of Hawaii.

Beginning at the Northeasterly corner of this parcel on the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "1.UKE" being:

10,850.15 feet South

2,816.41 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 12,242.70 feet, the radial azimuth from the radius point to the beginning of the curve being: 284° 35' 07"; the radial azimuth from radius point to the end of the curve being: 287° 13' 13"; and the chord azimuth and distance being: 15° 54' 18.5" 563.99 feet;

2. 17° 13' 30" 296.94 feet along the Westerly side of Honoapiilani Highway (Federal Aid Project No. 13-G);

3. Thence along same on a curve to the left with a radius of 2,899.93 feet, the chord azimuth and distance being:
10° 51' 30" 643.15 feet;
4. 4° 29' 30" 16.00 feet along same;
5. 106° 45' 1,319.23 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 3043 to J. Boardman, Grant 2960 to J. Boardman, and Grant 3152 to Henry Cornwell;
6. 174° 00' 302.03 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 2960 to J. Boardman;
7. 166° 40' 40.00 feet along same;
8. 255° 00' 91.00 feet along same;
9. 185° 10' 285.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2960 to J. Boardman;
10. 115° 55' 142.26 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder to Grant 2069 to Kaai;
11. 206° 15' 539.50 feet along same;
12. 193° 30' 243.00 feet along same;
13. Thence along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainders of Grant 2069 to Kaai, Royal Patent 3130, Land Commission Award 8874, Apana 1 to Kaneae, and Land Commission Award 5774, Apana 2 to Kaai on a curve to the right with a radius of 151.00 feet, the chord azimuth and distance being:
229° 17' 30" 176.62 feet;
14. 265° 05' 125.00 feet along Lot 2 of Hawaii Tropical Plantation Subdivision, being also the remainder Royal Patent 498, Land Commission Award 236-1, Apana 1 to Charles Copp;

15. Thence along same on a curve to the left with a radius of 230.00 feet, the chord azimuth and distance being:
235° 12' 30" 229.13 feet;
16. 205° 20' 195.00 feet along same;
17. 196° 50' 209.00 feet along same;
18. 212° 10' 88.31 feet along same;
19. 283° 30' 208.78 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Royal Patent 4014, Land Commission Award 5774, Apana I to Kaai;
20. 301° 30' 195.00 feet along Lot 4 of Hawaii Tropical Plantation Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;
21. 276° 46' 57.80 feet along Grant 3152 to Henry Cornwell;
22. 4° 14' 160.90 feet along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
23. 357° 05' 61.60 feet along same;
24. 354° 18' 33.54 feet along same;
25. 86° 01' 63.90 feet along Lot 12 of the Waikapu Tract, being also the remainder of Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
26. 351° 55' 40.00 feet along same;
27. 359° 06' 455.70 feet along Lot 12, Lot 14, Lot 15, Lot 8, and Ololi Place of Waikapu Tract, being also along Royal Patent 102, Land Commission Award 432 to Anthony Sylva;
28. 349° 25' 172.20 feet along Lot 8, Olo Place, and Lot 7 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;
29. 274° 06' 222.20 feet along Lot 7, Lot 6, Lot 5, Lot 4, Lot 3 of Waikapu Tract, being also along Grant 1515 to Antonio Sylva;

30. 246° 49'

138.02 feet along Lot 2 of the Waikapu Tract, being also along the remainder of Grant 2904 to John Crowder to the point of beginning and containing an area of 59.054 Acres.

This work was prepared by me or under my supervision.



FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WES

DESCRIPTION

WAIALE PARK (LARGE-LOT) SUBDIVISION PORTION OF LOT 2

Being a portion of Lot 2 of Waiale Park (Large-Lot) Subdivision, being also portions of Royal Patent 324, Land Commission Award 455 to Haa, Land Commission Award 411 to Poonui, Grant 2747 to Eugene Bal, and Grant 3152 to Henry Cornwell situated in Waikapu, Island and County of Maui, State of Hawaii.

Beginning at the Southerly corner of this parcel on the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G), the coordinates of said point of beginning referred to Government Survey Triangulation Station "LUKI" being:

15,360.54 feet South

3,339.81 feet West

and running by azimuths measured clockwise from True South:

1. Thence along the Easterly side of Honoapiilani Highway (Federal Aid Project No. 13-G) on a curve to the right with a radius of 17,153.80 feet, the radial azimuth from the radius point to the beginning of the curve being:
92° 37' 04.2";
and the chord azimuth and distance being:
183° 33' 17.1" 560.98 feet;
2. 184° 29' 30" 2,494.86 feet along same;
3. Thence along same on a curve to the right with a radius of 2,829.93 feet, the chord azimuth and distance being:
190° 51' 30" 627.63 feet;
4. 197° 13' 30" 296.94 feet along same;
5. Thence along same on a curve to the left with a radius of 12,312.70 feet, the radial azimuth from the radius point to the end of the curve being: 280° 59' 15";
and the chord azimuth and distance being:
194° 06' 22.5" 1,339.76 feet;
6. 280° 48' 30" 88.20 feet along the remainder of Land Commission Award 411 to Poonui;
7. 192° 04' 89.20 feet along same;

8. 191° 47' 171.33 feet along the remainders of I and Commission Award 411 to Poonui and Grant 2747 to Eugene Bal;
9. 266° 52' 137.19 feet along the bank of a meandering stream, being also the remainder of Grant 2747 to Eugene Bal;
10. 280° 28' 58.32 feet along same;
11. 272° 38' 30" 99.27 feet along same;
12. 266° 20' 40" 96.78 feet along same;
13. 257° 52' 09" 130.37 feet along same;
14. 253° 47' 10" 106.23 feet along same;
15. 253° 18' 20" 71.30 feet along same;
16. Thence along same on a curve to the right with a radius of 61.00 feet, chord azimuth and distance being:
286° 39' 10" 67.06 feet;
17. 320° 00' 123.33 feet along same;
18. Thence along same on a curve to the left with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
357° 07' 20";
and the chord azimuth and distance being:
293° 33' 40" 153.16 feet;
19. Thence along the bank of a meandering stream, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 159.00 feet, the radial azimuth from the radius point to the beginning of the curve being: 177° 07' 20";
and the chord azimuth and distance being:
281° 27' 35" 78.75 feet;
20. 295° 47' 50" 135.81 feet along the bank of a meandering stream, being also the remainder of Grant 3152 to Henry Cornwell;
21. Thence along same on a curve to the right with a radius of 172.00 feet, the radial azimuth from the radius point to the end of the curve being:
237° 54' 40";
and the chord azimuth and distance being:
311° 51' 15" 95.15 feet;

22. Thence along same on a curve to the left with a radius of 458.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $57^{\circ} 54' 40''$;
the radial azimuth from the radius point to the end of the curve being: $35^{\circ} 24'$;
and the chord azimuth and distance being:
 $316^{\circ} 39' 20''$ 178.79 feet;
23. Thence along same on a curve to the left with a radius of 308.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $35^{\circ} 24'$;
the radial azimuth from the radius point to the end of the curve being: $7^{\circ} 26' 10''$;
and the chord azimuth and distance being:
 $291^{\circ} 25' 05''$ 148.84 feet;
24. Thence along same on a curve to the left with a radius of 610.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $7^{\circ} 26' 10''$;
the radial azimuth from the radius point to the end of the curve being: $351^{\circ} 33' 30''$;
and the chord azimuth and distance being:
 $269^{\circ} 29' 50''$ 168.50 feet;
25. Thence along same on a curve to the right with a radius of 198.00 feet, the radial azimuth from the radius point to the beginning of the curve being: $171^{\circ} 33' 30''$;
the radial azimuth from the radius point to the end of the curve being: $197^{\circ} 21'$;
and the chord azimuth and distance being:
 $274^{\circ} 27' 15''$ 88.38 feet;
26. $287^{\circ} 21'$ 73.41 feet along same;
27. Thence along the remainder of Lot 2 and along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder Grant 3152 to Henry Cornwell on a curve to the left with a radius of 3,960.00 feet, the radial azimuth from the radial point to the beginning of the curve being:
 $106^{\circ} 12' 21''$
and the chord azimuth and distance being:
 $10^{\circ} 53' 40.5''$ 733.12 feet;

28. 5° 35' 1,498.28 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 3152 to Henry Cornwell and Grant 2747 to Eugene Bal;

29. Thence along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainders of Grant 2747 to Eugene Bal and Grant 3152 to Henry Cornwell on a curve to the right with a radius of 5,040.00 feet, the chord azimuth and distance being:
 13° 16' 1,347.68 feet;

30. 20° 57' 521.33 feet along Lot 1 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

31. Thence along same on a curve to the right with a radius of 1,800.00 feet, the chord azimuth and distance being:
 28° 37' 57" 481.26 feet;

32. 126° 18' 54" 80.00 feet along the remainder of Lot 2 of the Waiale Park (Large-Lot) Subdivision, being also the remainder of Grant 3152 to Henry Cornwell;

33. Thence along same on a curve to the right with a radius of 1,720.00 feet, the chord azimuth and distance being:
 64° 19' 57" 1,615.91 feet;

34. 92° 21' 163.44 feet along same;

35. Thence along same on a curve to the right with a radius of 40.00 feet, the radial azimuth from the radius point to the end of the curve being:
 92° 37' 04.2";
 and the chord azimuth and distance being:
 137° 29' 02.1" 56.70 feet to the point of beginning and containing an area of 243.772 Acres.

This work was prepared by me
or under my supervision.



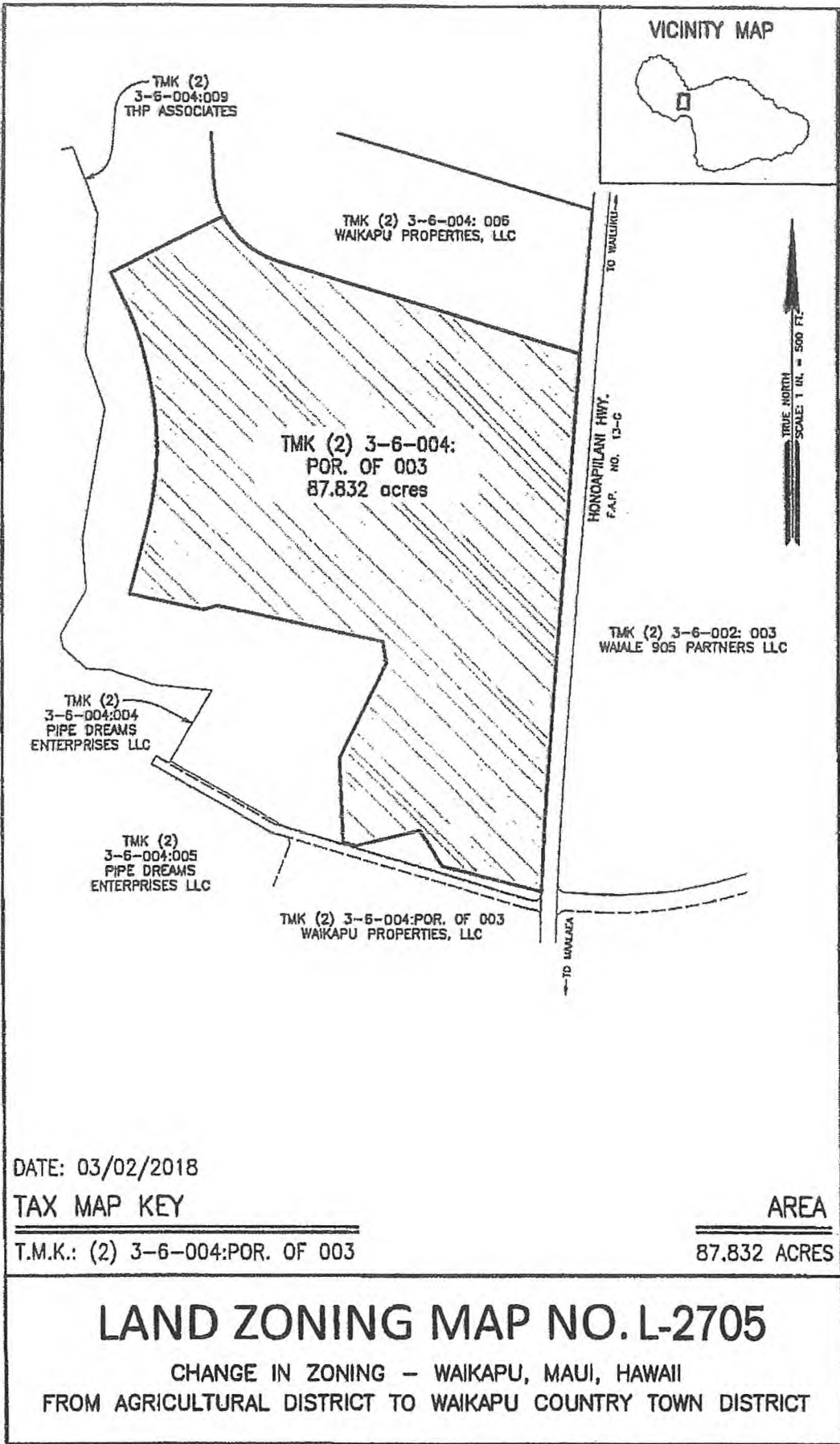
FUKUMOTO ENGINEERING, INC.

A handwritten signature in black ink that reads "M. Silva".

Michael E. Silva
Licensed Professional Land Surveyor
Certificate Number 12960
License Expires: 4/30/18

1721 Wili Pa Loop, Suite 203
Wailuku, Hawaii 96793
March 5, 2018

WP01



DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-004:POR. OF 003

AREA

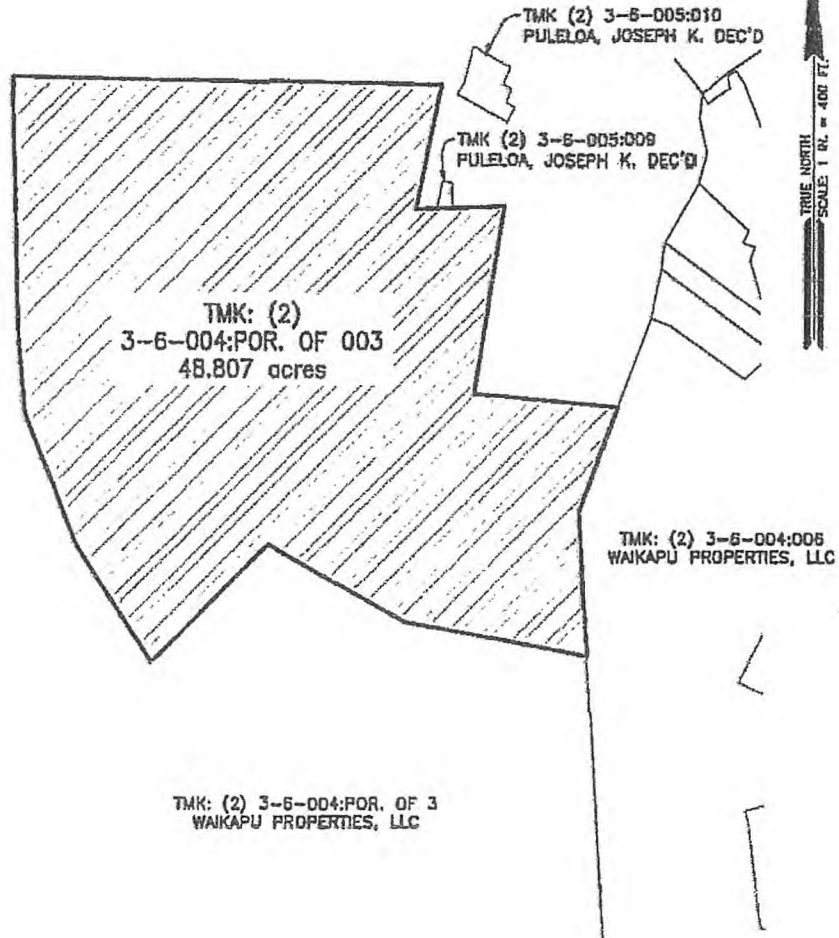
87.832 ACRES

LAND ZONING MAP NO. L-2705

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
 FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

EXHIBIT " B "

VICINITY MAP



DATE: 03/02/2018

TAX MAP KEY

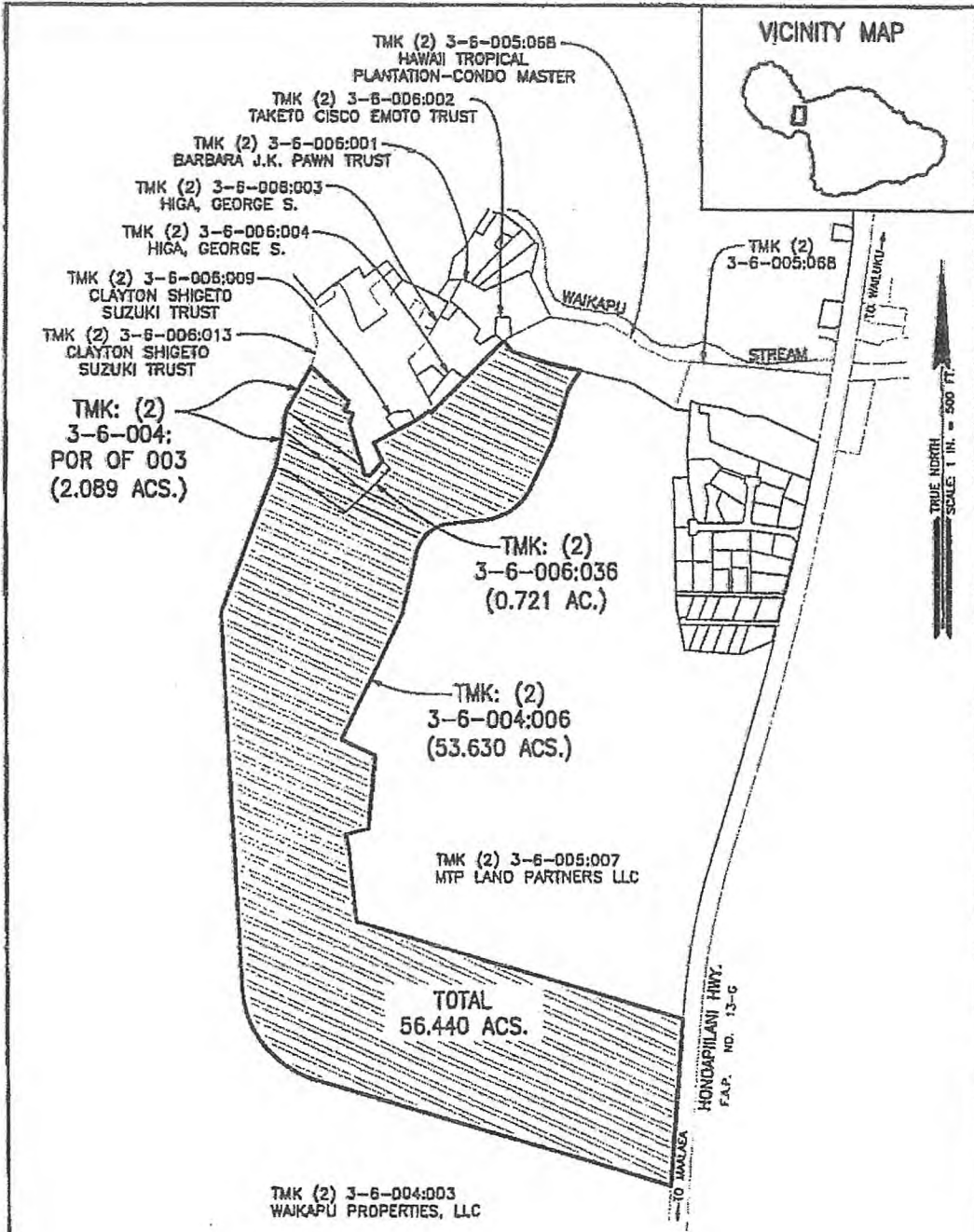
T.M.K. (2) 3-6-004:POR. OF 003

AREA

48.807 ACRES

LAND ZONING MAP NO. L-2706

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT



DATE: 03/05/2018

TAX MAP KEYS

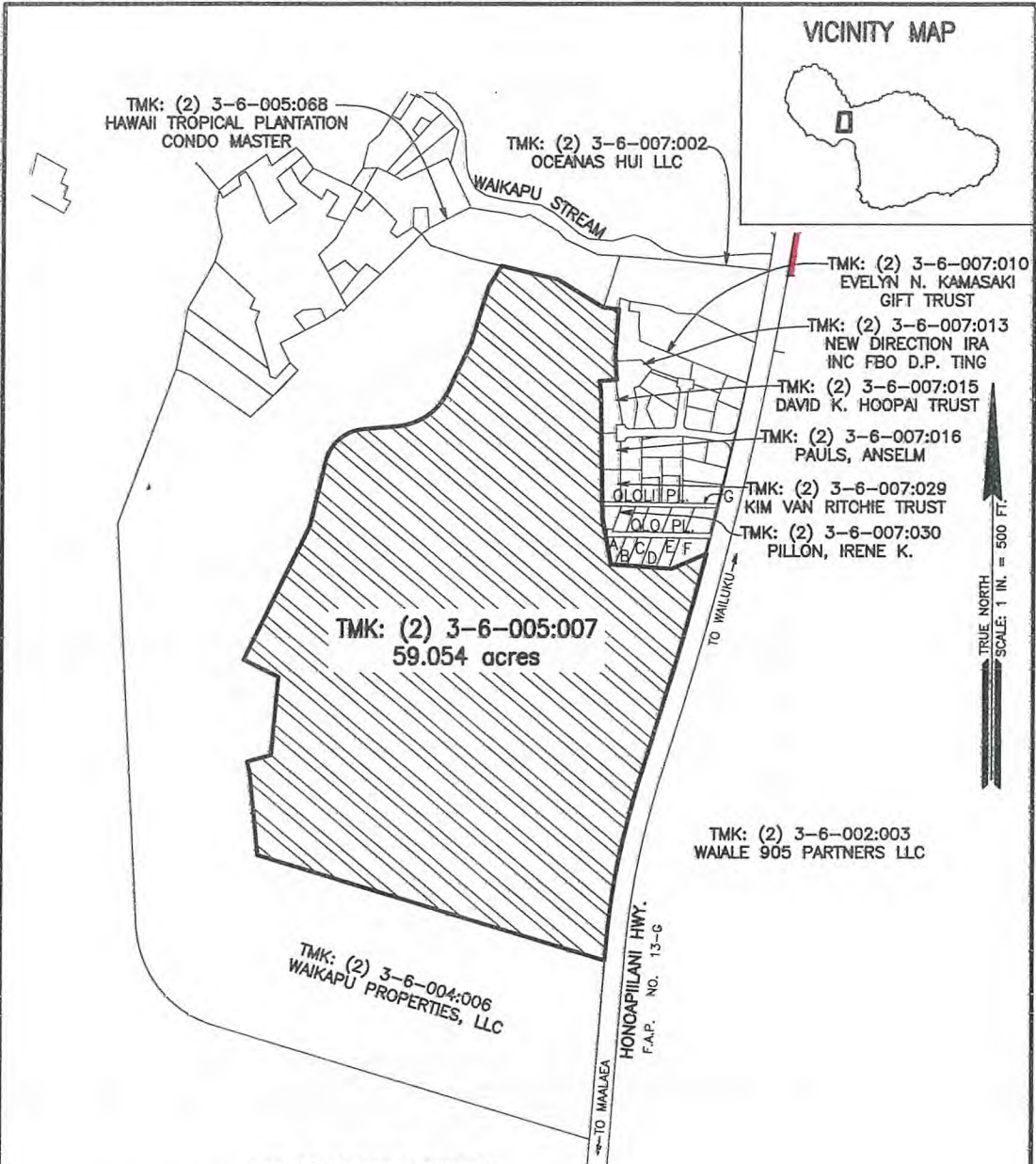
- T.M.K.: (2) 3-6-004:006
- T.M.K.: (2) 3-6-006:036
- T.M.K.: (2) 3-6-004:POR. OF 003

AREA

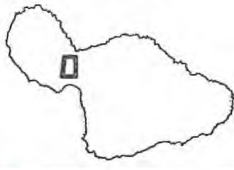
56.440 ACRES

LAND ZONING MAP NO. L-2707

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT



VICINITY MAP



TRUE NORTH
SCALE: 1 IN. = 500 FT.

LIST OF ADJOINING OWNERS:

- | | |
|---|--|
| A TMK: (2) 3-6-007:042
CHUN, ELSIE N. | E TMK: (2) 3-6-007:038
NAKAMOTO, DAVID T. |
| B TMK: (2) 3-6-007:041
VALDEZ, GEORGE GREGORIO | F TMK: (2) 3-6-007:037
ANN N. WAKAMATSU TRUST |
| C TMK: (2) 3-6-007:040
DIAZ, MARTHA J. | G TMK: (2) 3-6-007:023 (OLOLI PLACE)
VARIOUS OWNERS |
| D TMK: (2) 3-6-007:039
LLOYD T. TAGUCHI TRUST | |

DATE: 03/11/2019

TAX MAP KEY

T.M.K.: (2) 3-6-005:007

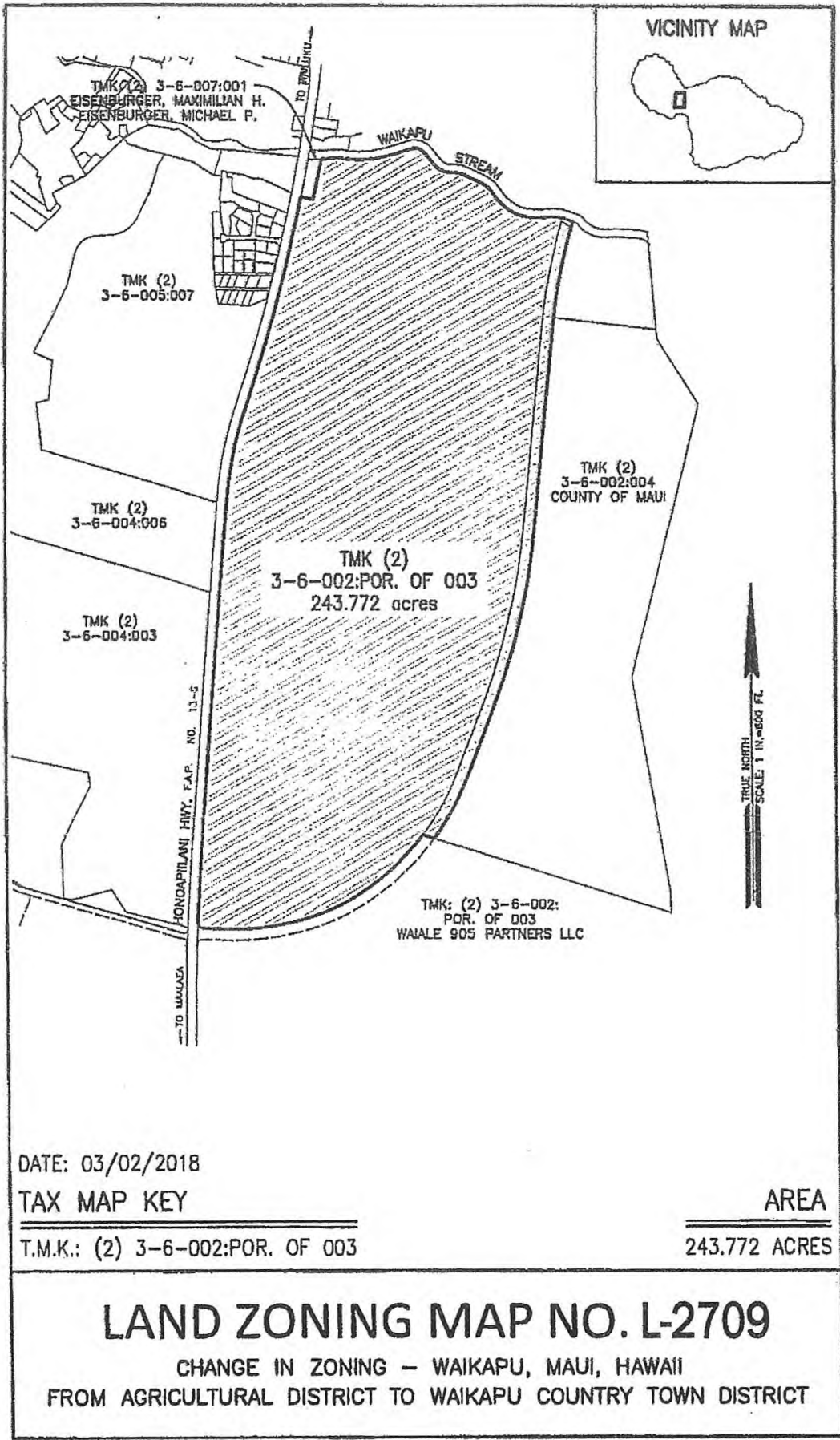
AREA

59.054 ACRES

LAND ZONING MAP NO. L-2708

CHANGE IN ZONING - WAIKAPU, MAUI, HAWAII
FROM WAIKAPU-KAHULUI PROJECT DISTRICT 5 (MAUI TROPICAL PLANTATION) (PD-WK/5) TO WAIKAPU COUNTRY TOWN DISTRICT

WAILUKU



DATE: 03/02/2018

TAX MAP KEY

T.M.K.: (2) 3-6-002:POR. OF 003

AREA

243.772 ACRES

LAND ZONING MAP NO. L-2709

CHANGE IN ZONING — WAIKAPU, MAUI, HAWAII
 FROM AGRICULTURAL DISTRICT TO WAIKAPU COUNTRY TOWN DISTRICT

EXHIBIT "CB"

CONDITIONS OF ZONING

1. Transportation – State Department of Transportation, Highways Division (SDOT-H).
 - a. Applicant shall mitigate all Project generated traffic impacts as required by the SDOT-H. Applicant shall enter into an agreement to mitigate the traffic related impacts and the timing to complete traffic improvements to mitigate the traffic related impacts of the project on SDOT-H facilities as generally indicated in the project's Pro Rata Share Calculations for Waikapu Country Town Project dated June 29, 2018, as approved by SDOT-H. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.
 - b. Applicant shall reduce the number of project intersections with Honoapiilani Highway from three (3) to two (2) – one (1) at the Main Street Intersection (also referred to as Study Intersection #9 in the TIAR/EIS), and one (1) at the Waiale Road Extension Intersection (also referred to as Study Intersection #13 in the TIAR/EIS.) Applicant shall be solely responsible for funding the Main Street and Waiale Road Extension intersection improvements.
 - c. Applicant shall conduct an analysis of the suitability of a roundabout at the proposed Honoapiilani Highway and Main Street Intersection. The Applicant's analysis with findings shall be transmitted to the SDOT-H; County of Maui, Department of Planning (Department); and the County of Maui, Department of Public Works (DPW). The SDOT-H shall determine if such a roundabout or traffic signal will be pursued by the Applicant.
 - d. Applicant shall provide pedestrian crossings on Honoapiilani Highway at the intersections of Main Street and Waiale Road Extension, and ensure the development layout provides pedestrian routes to these pedestrian crossings at these intersections.

Compliance with this condition shall be confirmed by SDOT-H.

2. Transportation – State Department of Transportation, Airports Division (SDOT-A). Applicant shall work with SDOT-A to address compliance with the Federal Aviation Administration or other relevant government agency's guidelines and regulations that may hinder aircraft passage and/or airport operations at the Kahului Airport ~~(OGG)~~.

3. Transportation – DPW.

- a. Applicant shall conduct a pro rata traffic share study for the Waiale Road Extension and transmit to DPW for review and approval prior to the approval of the first subdivision application to the County of Maui for the project. The pro rata share study shall evaluate the project's percentage of future vehicle trips on the Waiale Road Extension from Waiko Road to Honoapiilani Highway.
- b. Applicant shall enter into an agreement with the DPW regarding the project's fair share contribution to the Waiale Road Extension from Waiko Road to Honoapiilani Highway. The agreement shall determine the project's pro rata share of the total anticipated costs for design and construction of the future Waiale Road Extension and the methods and timing by which the payments or similar contributions may be made. The agreement may also consider the project's actual traffic generated inasmuch as any reductions (or increases) in traffic than originally estimated may reduce (or increase) the pro rata share in the future. Further, the Applicant shall deed the Waiale Road Extension right-of-way to DPW, upon demand, the value of which shall not be considered towards the pro rata share used in the agreement. The agreement shall be executed prior to the approval of the first subdivision application to the County of Maui for the project.

Compliance with this condition shall be confirmed by DPW.

4. Storm Water Management and Drainage. Applicant shall maintain existing drainage patterns as feasible and shall implement Best Management Practices (BMPs) to: a) minimize infiltration and runoff from construction and vehicle operations, b) reduce or eliminate the potential for soil erosion and ground water pollution, and c) formulate dust control measures to be implemented during and after the construction process in accordance with Department of Health (DOH) and County of Maui guidelines, ordinances and rules. The BMPs shall include a program for the maintenance of drainage swales within the Project Area. The design of drainage improvements and maintenance as reviewed and approved by the DPW shall be such that there will be no increase in runoff from the ~~Project Area~~[project-site](#) as a result of an increase in impervious surfaces. Compliance with this condition shall be confirmed by the DPW.
5. Residential Workforce Housing. Applicant shall provide residential workforce housing opportunities in accordance with the County of Maui's residential workforce housing requirements. The required number of residential workforce housing units as determined by the County of Maui shall be completed according to a timetable associated with the issuance of building permits for market-rate dwelling units as required by the MCC and as agreed to by the Department of Housing and Human Concerns.

6. Wastewater. Applicant shall participate in the funding and/or construction of adequate private or public wastewater facilities to accommodate the proposed uses for each portion of the Project Area~~Waikapu Country Town~~. The wastewater facilities shall be in accordance with the applicable standards and requirements of the DOH and the County of Maui as applicable. If the Applicant's proposed wastewater facilities are to be located within the State and County agricultural districts, Applicant shall apply for a State Special Permit in accordance with the provisions of HRS Chapter 205. If the Applicant desires to request an initial or interim connection to County wastewater facilities for any dwellings, an agreement must be made to the satisfaction of the Department of Environmental Management and other applicable agencies prior to the issuance of any building permit. County or private operable wastewater facilities must be available to serve any use or structure prior to the issuance of the building permit for such use or structure.
7. Air Quality. Applicant shall participate in an air quality monitoring program as required by the DOH.
8. Education Contribution Agreement. Applicant shall contribute to the development, funding, and/or construction of school facilities in compliance with the Educational Contribution Agreement for Waikapu Country Town, undated but executed as of January 31, 2017, entered into by the Applicant and the Department of Education. Applicant shall ensure that prospective buyers, purchasers, and subsequent owner-builders of lots are given notice of the requirement to pay the Central Maui District Impact Fee in accordance with the Educational Contribution Agreement. Such notice shall be recorded and run with the land.
9. Energy Conservation Measures. Applicant shall implement, to the extent feasible and practicable, measures to promote energy conservation, sustainable design and environmental stewardship including the use of solar water heating and photovoltaic systems for on-site infrastructure systems, residential, commercial, and civic uses. Solar water heating systems shall be required for new single-family residential construction per **the rules of HRS** Section 196-6.5. Applicant shall provide information to home purchasers regarding energy conservation measures that may be undertaken by individual homeowners in the Project. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.
10. Water Conservation Measures. Applicant shall implement water conservation measures and BMPs such as the use of indigenous plants to the extent practicable and as required by the County of Maui. Verification of compliance with this condition shall be provided to the Department prior to submitting any building permit application.

11. Water System. Applicant shall participate in the funding and/or construction of adequate private or public water source, storage, and transmission facilities to accommodate the proposed uses for each phase of the Project in accordance with the applicable standards and requirements of the DOH and/or County of Maui, with plans submitted for approval by the appropriate agency. Applicant shall coordinate with the Commission on Water Resources Management regarding the overall impact of water pumpage on the Waikapu aquifer. Further, the Applicant shall submit such information to the Department of Water Supply as may be requested to reflect changes in water demand forecasts and supply for the proposed uses in accordance with the County of Maui's Water Use and Development Plan. Compliance with this condition shall be confirmed by the Department of Water Supply.
12. Street Lights. Applicant shall use fully-shielded street lights within the [Waikapu Country Town Project Area](#) to avoid impacts to avifauna and other wildlife populations and to prevent light diffusion upward into the night sky.
13. Sirens. Applicant shall fund and install three (3) civil defense warning sirens as specified by and in the locations identified by the State Department of Defense according to a timetable agreed upon by the State Department of Defense.
14. Parks. Applicant shall comply with the park dedication requirements of the County of Maui. Applicant shall provide a park construction and phasing plan approved by the Department of Parks and Recreation, DPW, and Department of Planning, which shall be in accordance with the MCC. Particular attention shall be exercised in developing parks and recreational areas that may be used by all ages and that these recreational areas are not used primarily as water retention basins.
15. Established Gathering and Access Rights Protected. Pursuant to Article XII, Section 7 of the Hawaii State Constitution, Applicant shall preserve and protect any established gathering and access rights of Native Hawaiians who have customarily and traditionally used the Project Area to exercise subsistence, cultural, gathering, and religious practices or for access to other areas for such purpose.
16. Agricultural Easement. Applicant shall submit to the Department an executed copy of the conservation easement or relevant instrument for at least **800 acres** of adjacent agricultural lands as represented to the State of Hawaii Land Use Commission and to the County of Maui prior to the first final subdivision approval. No dwelling or structure shall be constructed or used for residential or dwelling purposes, including farm dwellings or farm worker housing, on the agricultural lands that are subject to the agricultural easement or conservation easement, and such easement shall include this restriction. If any development is proposed in the area subject to the conservation easement or relevant instrument, Department of Land and Natural Resources-State Historic Preservation District (DLNR-SHPD) shall be

notified and shall make a determination on whether an archaeological inventory survey shall be provided by the Applicant for such area. The Applicant shall notify the Department of any proposed development within the conservation easement lands and any determination made by DLNR-SHPD.

17. Notification of Agricultural Use. Applicant, and all subsequent owners, shall notify and disclose to developers, purchasers, and/or lessees of the provisions of Hawaii Revised Statutes (HRS) Chapter 165, the Hawaii Right to Farm Act. The notice and disclosure shall be a part of any conveyance document such as a deed, lease, or agreement of sale. The notice and disclosure shall contain at least the following information: a) that the developers, purchasers, and/or lessees shall not take any action that would interfere with or restrain farming operations conducted in a manner consistent with generally accepted agricultural and management practices on adjacent lands in the State Land Use Agricultural District; and b) that potential nuisances from noise, odors, dust, fumes, spray, smoke, or vibration may result from agricultural uses on adjacent lands. For the purpose of this condition, the term “farming operations” shall have the same meaning as provided in HRS [Section](#) 165-2.
18. Archaeological/Historic Sites. Applicant shall provide the following prior to any ground disturbance, including the issuance of grading or grubbing permits, as agreed upon with DLNR-SHPD’s acceptance of the Applicant’s Archaeological Inventory Survey: a) Archaeological monitoring for all ground disturbing activities pursuant to a DLNR-SHPD approved monitoring plan, which shall include data recovery of archaeological and historic sites; b) If site 50-50-04-5197 (Waihee Ditch) is impacted by the Project, it will be further documented in consultation with DLNR-SHPD; c) If any development is proposed for the area to be dedicated to agriculture, DLNR-SHPD shall be notified and will make a determination on whether an archaeological inventory survey is to be provided by the Applicant; and d) Applicant shall submit a preservation plan to DLNR-SHPD for two (2) sites: the irrigation features (Site 50-50-04-7884) and the WWII bunker (Site 50-50-04-7883). The preservation plan shall be submitted to the DLNR-SHPD for review and acceptance prior to any ground disturbance in the vicinity of the two (2) sites. Applicant shall comply with all interim and permanent mitigation and preservation measures required by DLNR-SHPD. Applicant shall provide verification to the [Planning](#) Department that DLNR-SHPD has determined that all required historic preservation measures have been implemented. The Applicant shall notify DLNR-SHPD prior to the first ground disturbance activity.
19. Cultural. Applicant shall consult with those persons known as Waikapu Stream South Kuleana Lo’i Kalo Farmers and Hui o Na Wai ‘Eha to minimize the impacts on their traditional customary rights and practices from any development in the Project Area. Additionally, Applicant shall grant access easements over the appropriate portions of the Project Area in favor of the owners of the Mahi-Puleloa parcels, identified as LCA 2944:3 to Ehunui

(TMK: (2) 3-6-005:010) and as Grant 1513 to Ehunui (TMK: (2) 3-6-005:009) and in favor ~~of~~ the owners of the Kauihou parcels, identified as LCA 3340:1 (por.) to Nahau (TMK: (2) 3-6-005:067), as LCA 3103 to Kalawaia (TMK: (2) 3-6-005:014) and as LCA 3110:3.2 to Kuolaia (TMK: (2) 3-6-005:066). Such easements shall be recorded and run with the land.

20. Endangered Species. Applicant shall implement the following procedures to avoid potential impacts to endangered species: a) Applicant shall not clear dense vegetation, including woody plants greater than fifteen feet (15 ft.) in height, along the periphery of the Project Area during the period from June 1 to September 15 of each year which is the time that the Hawaiian hoary bat may be carrying young and thus could be at risk from the clearing activities;~~;~~ b) Applicant shall consult with the United States Fish and Wildlife Service to determine measures needed with regard to the endangered Blackburn's Sphinx Moth and shall implement such measures in connection with the development of the Project Area;~~;~~ and c) For any nighttime work required during any construction within the Project Area and for long term features, exterior lighting shall be shielded so as to reduce the potential for interactions of or disturbance to Hawaiian Petrels and Newell's Shearwaters.
21. Development in Compliance with Maui Island Plan. Applicant shall develop the Project in substantial compliance with the Planned Growth Area Rationale and goals, objectives, policies and implementing actions described in the Maui Island Plan for the Project identified as, "Waikapu Tropical Plantation Town."
22. Infrastructure Deadline. Applicant shall complete construction of the backbone infrastructure, which consists of primary roadways and access points; internal roadways; on-site and off-site water, sewer, and electrical system improvements; and storm water/drainage and other utility improvements within ten (10) years from February 26, 2018, the date of the State Land Use Commission Decision and Order approving Petition A15-798.
23. Compliance with Representations to the Maui County Council. Applicant shall develop the Project Area in substantial compliance with the representations made to the Maui County Council in its approval of the subject change in zoning. Failure to develop the Project Area in accordance with such representations may result in reversion of the Project Area to its former zoning and community plan classifications.
24. Annual Reports. Applicant shall provide the Department, ~~without any written prior notice,~~ an annual report on the status of the development of the Project Area and Applicant's progress in complying with the conditions imposed herein. The first annual report shall be submitted within one (1) year of the effective date of the CIZ ordinance, and subsequent reports shall be submitted annually on or near the same date.